

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

EULA JACKSON-SMITH,
Plaintiff,

-VS-

**JOHNSON & JOHNSON, JOHNSON &
JOHNSON CONSUMER INC.,
JOHNSON & JOHNSON HOLDCO
(NA) INC., JANSSEN
PHARMACEUTICALS INC., LLT
MANAGEMENT LLC, and KENVUE,
INC.,**
Defendants,

**MDL No. 2738 (FLW) (LHG)
JUDGE MICHAEL A. SHIPP
MAG. JUDGE RUKHSANAH L. SINGH**

COMPLAINT AND JURY DEMAND

CIVIL ACTION No.

DIRECT FILE ACTION

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff named below files this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff incorporates by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff files this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff

1. Name of individual injured due to the use of talcum powder products: EULA JACKSON-SMITH.

2. At the time of the filing of the specific case, Plaintiff is a citizen of Troup County in Hogansville, GA.

3. Consortium Claim: The following individual allege damages for loss of consortium: All loss of consortium beneficiaries allowable under applicable law.

4. Survival and/or Wrongful Death Claims: N/A

Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: N/A

5. Plaintiff was born on 08/17/1956.

6. Plaintiff is filing this case on behalf of herself.

7. As a result of using talcum powder products, Plaintiff suffered personal and economic injuries that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

____X____ injury to herself

____X____ injury to the person represented

_____ wrongful death

_____ survivorship action

X economic loss

 X loss of services

 X loss of consortium

 other:

Identification of Defendants

8. Plaintiff is suing the following Defendant(s) (please check all that apply) ¹:

 X Johnson & Johnson

 X Johnson & Johnson Consumer Inc.

 Imerys Talc America, Inc. (“Imerys Talc”)

 Personal Care Products Council (“PCPC”)

Additional Defendants

 X Other(s) Defendant(s) (please specify):
Johnson & Johnson Holdco (NA) Inc., Janssen
Pharmaceuticals, Inc., LLT Management LLC, and
Kenvue, Inc.

JURISDICTION & VENUE

Jurisdiction:

9. Jurisdiction in this Short Form Complaint is based on:

 X Diversity of Citizenship

 Other (The basis of any additional ground for jurisdiction
must be pled in sufficient detail as required by the applicable Federal Rules

¹ If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*

of Civil Procedure).

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: Northern District of Georgia.

CASE SPECIFIC FACTS

11. Plaintiffs currently resides in Hogansville, GA.

12. At the time of the Plaintiff's diagnosis with a talcum powder products injury, Plaintiff resided in Hogansville, GA.

13. The Plaintiff was diagnosed with a talcum powder products injury in: , GA on 01/01/2022.

14. To the best of Plaintiff's knowledge, Plaintiff began using talcum in powder products on or about the following date: and continued the use of talcum powder products through about the following date: .

15. The Plaintiff purchased talcum powder products in the following State: GA.

16. Plaintiff used the following talcum powder products:

_____ Johnson & Johnson's Baby Powder

_____ Shower to Shower

CAUSES OF ACTION

17. Plaintiff hereby adopts and incorporates by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein. The following claims and allegations

asserted in the Master *Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff:

_____ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)

☒ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)

_____ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)

☒ Count IV: Products Liability – Strict Liability – Defective Manufacturer and Design (Against the Johnson & Johnson Defendants)

☒ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)

☒ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)

☒ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)

_____ Count VIII: Negligence (Against Imerys Talc)

☒ Count IX: Negligence (Against the Johnson & Johnson Defendants)

_____ Count X: Negligence (Against PCPC)

☒ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)

☒ Count XII: Fraud (Against the Johnson & Johnson Defendants)

_____ Count XIII: Fraud (Against PCPC)

☒ Count XIV: Violation of State Consumer Protection Laws of the State of Pennsylvania (Against the Johnson & Johnson Defendants).

_____ Count XV: Fraudulent Concealment (Against Imerys Talc)

☒ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)

_____ Count XVII: Fraudulent Concealment (Against PCPC)

__X__ Count XVIII: Civil Conspiracy (Against All Defendants)

__X__ Count XIX: Loss of Consortium (Against All Defendants)

__X__ Count XX: Punitive Damages (Against All Defendants)

__X__ Count XXI: Discovery Rule and Tolling (Against All Defendants)

Furthermore, Plaintiff asserts the following additional theories and/or State Causes of Action against Defendants identified in Paragraph nine (9) above. If Plaintiff includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff in a manner complying with the requirements the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiff prays for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiffs hereby demand a trial by jury as to all claims in this action.

Dated: 03/15/2024.

Respectfully submitted,

By: /s/ Daniel J. Thornburgh
Daniel J. Thornburgh
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